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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,126	04/09/2001	Nicholas Bennett	3182/FBR	7244

7590 05/28/2003
Rosenman & Colin LLP
575 Madison Avenue
New York, NY 10022-2585

EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/28/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,126

Applicant(s)

BENNETT, NICHOLAS

Examiner

Corbett B. Coburn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 March 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-12 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 8 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 19 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on 19 March 2003. These drawings are accepted.

Specification

2. Examiner's objection to the title is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 & 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (US Patent Number 6,142,873) in view of Helm et al. (US Patent Number 4,743,024)

Claim 1: Weiss teaches a gaming machine (Fig 1) having a display means (6) and a game control means (64) arranged to control images displayed on the display. The game control means being arranged to play a game wherein one or more random events are caused to be displayed on the display means (i.e., the reels spin) and, if a predefined winning event results, the machine awards a prize. (Fig 2) The gaming machine includes a feature of a changing representation of the awarding of the prize (20) and a player-operable control device (12), which, upon manipulation by a player, controls an outcome

of the representation to determine an amount, awarded to the player. (Fig 2) Weiss fails to teach that the prize is dependent on when the player operates the control device. Helm teaches a slot machine with a skill stop feature that gives the player control over what indicia are displayed when the player operates a control device (26 or 28). (Col 5, 30-42) This means the prize is dependent on when the player operates the control device. Skill stop games are well known to the art and give the player a feeling of control, plus they are more challenging than simple slot machines. This increases player enjoyment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the prize be dependent on when the player operates the control device in order to give the player a feeling of control and present a greater challenge than offered by simple slot machines, thus increasing player enjoyment.

Claim 2: Weiss, Fig 1, 11 is a representation of a win meter.

Claim 3: Weiss, Fig 1, 11 is a graphical display representing a changing award.

Claim 4: The amount represented by Weiss's graphical display (11), where it is stopped by the player, is awarded to the player as the prize. (Col 2, 1-6)

Claim 15: Weiss's control device is an actuator (50) operable by the player to stop changes in the representation. (Col 3, 46-51)

Claim 16: Weiss teaches the feature is triggered upon the occurrence of a trigger condition arising in a base game. (Abstract)

Claim 17: Helm teaches a tournament being played among a group of linked gaming machines. (Col 6, 1-8)

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5. Claims 5-7, 9-12 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss and Helm as applied to claim 4 in view of Huard et al. (US Patent Number 5,743,800).

Claim 5: Weiss and Helm teach the invention substantially as claimed. Weiss discloses a threshold value such that when that threshold value is reached by the graphical display without having being stopped by the player, a losing outcome results. (Fig 2, Col 1, 62 – Col 2, 17) Weiss does not, however, specifically state that the game controller selects the threshold value. Huard teaches the game controller randomly selecting the bonus amount. (Abstract) The bonus amount is equivalent to the threshold – it represents the maximum bonus amount available. Randomly determining the bonus amount (threshold) increases the excitement of the game. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the game controller select the threshold in order to increase the excitement of the game.

Claims 6, 11: Weiss teaches that when the graphical display (11) commences changing (i.e., the bonus accumulates), the player is able to stop the graphical display at any time by means of the control device – the quit/retire button (50). The arrangement is such that, if the graphical display reaches the threshold value, the losing outcome results but, if the player operates the control device (i.e., retires) before the threshold value is reached, the player may be awarded the amount represented by the graphical display at the time that the control device is operated. (Fig 2, Col 1, 62 – Col 2, 17)

Claims 7, 12: The rate at which Weiss' graphical display (11) changes is variable and is set by the game control means. (Col 3, 51-55) In this case, the graphical display (11)

changes by adding the variable amount displayed on reel (18). This amount is determined by the control means.

Claims 9, 14: Weiss always displays the threshold. Therefore, should the player stop the representation before the threshold value is reached, the game control means causes the selected threshold value to be displayed so that the player can ascertain when the losing outcome would have resulted.

Claim 10: Huard teaches a random number being selected as the threshold value (i.e., maximum prize amount) by the game control means, the random number falling in a predetermined range from one to a highest possible value. (Fig 3)

Allowable Subject Matter

6. Claims 8 & 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

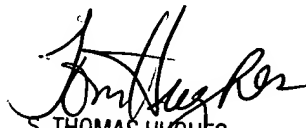
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc

May 21, 2003



S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700